

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

EnergyNorth Natural Gas, Inc.

v.

Civil No. 99-cv-049-JD

Century Indemnity Company, et al.

O R D E R

EnergyNorth Natural Gas, Inc., moved for an award of attorneys' fees and costs pursuant to New Hampshire Revised Statutes Annotated § 491:22-b. The court issued an order on March 14, 2006, addressing the issue of expert witness fees and Century Indemnity Company's objection to the motion. The court then directed the parties to attempt to resolve or narrow the issues in dispute and to set an expedited schedule to address those issues.

The parties filed a joint report on March 24, 2006, in which they proposed to make further efforts to resolve the remaining issues and to file briefs on any issues that they were unable to compromise. On April 12, 2006, the parties reported that they had reached a compromise on the amount of attorneys' fees and expenses but were unable to agree on the amount of expert witness fees and expenses. They then filed briefs on those issues. On May 26, 2006, the court issued an order that the amount of expert witness fees and expenses was governed by 28 U.S.C. § 1821. The court also set a deadline for filing briefs on the issue of

expert deposition costs. On June 1, 2006, the parties filed a joint report in which they stated that neither party would seek expert deposition costs so that further briefing would be unnecessary. EnergyNorth planned to consult with Century to attempt to reach agreement on the amount of expert witness fees and expenses. If they could not agree, EnergyNorth stated it would then file a bill of costs no later than June 21, 2006.

EnergyNorth has not filed a bill of costs. Based on the parties' joint reports, it appears that they have now reached a compromise as to all of the requested attorneys' fees and costs. Therefore, EnergyNorth's motion for an award of fees and costs may be terminated.

Conclusion

For the foregoing reasons, the plaintiff's motion for an award of fees and costs (document no. 413) is terminated due to the parties' agreement.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

July 6, 2006

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